IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GENE R. ROMERO, et al.) CIVIL ACTION
Plaintiffs,) NO. 01-3894
v.) CONSOLIDATED WITH
ALLSTATE INSURANCE COMPANY, et al.	NO. 01-6764
Defendants.))

ALLSTATE'S MOTION TO DISMISS THE ANZIVINE AND SIEGFRIED INTERVENOR COMPLAINTS

Defendants Allstate Insurance Company and the Allstate Corporation (collectively "Allstate") respectfully move this Court to dismiss with prejudice certain claims alleged in the *Anzivine* and *Siegfried* Intervenor Complaints. In support of this Motion, Allstate relies on the accompanying Memorandum and states as follows:

- 1. Intervenors' state law breach-of-contract and breach-of-fiduciary-duty claims (Counts IV–VI in both Complaints) fail because these individuals have ratified their release of these claims as a matter of governing state law.
- 2. Intervenors' retaliation claims under the ADEA and ERISA concerning their termination of employment (Counts I and III in both Complaints) fail as a matter of law based on Third Circuit binding precedent.
- 3. Intervenors' claims under Section 510 of ERISA (Count II in both Complaints) fail based on the expiration of the applicable statute of limitations.

- 4. Intervenors' breach-of-contract and breach-of-fiduciary duty claims (Counts IV–VI in both Complaints) fail because these individuals' R830 and R1500 contracts were terminable at will.
- 5. The breach-of-contract claims of Intervenors residing in Colorado, Florida, Illinois, Iowa, Louisiana, Minnesota, Mississippi, New York, Pennsylvania, Texas, And Washington (Counts IV–V in both Complaints) fail based on the expiration of the applicable statute of limitations.
- 6. All Intervenors' breach-of-fiduciary-duty claims (Count VI in both Complaints) fail based on the expiration of the applicable statute of limitations.

WHEREFORE, Allstate respectfully requests that the Court grant its Motion to Dismiss, dismissing the above claims in the *Anzivine* and *Siegfried* Intervenor Complaints with prejudice, and grant it all other appropriate relief.

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Dated: November 2, 2015 Respectfully submitted,

/s/ Jordan M. Heinz

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on November 2, 2015, by the Court's Electronic Case Filing system and by electronic mail on all counsel of record.

		Heinz	M.	Jordan	/s/
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